

1-1 By: Nelson S.B. No. 743
 1-2 (In the Senate - Filed February 22, 2013; February 26, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 743 By: Hinojosa

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the penalties prescribed for repeated violations of
 1-20 certain court orders or conditions of bond in a family violence
 1-21 case.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 25, Penal Code, is amended by adding
 1-24 Section 25.072 to read as follows:

1-25 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR
 1-26 CONDITIONS OF BOND IN FAMILY VIOLENCE CASE. (a) A person commits
 1-27 an offense if, during a period that is 12 months or less in
 1-28 duration, the person two or more times engages in conduct that
 1-29 constitutes an offense under Section 25.07.

1-30 (b) If the jury is the trier of fact, members of the jury
 1-31 must agree unanimously that the defendant, during a period that is
 1-32 12 months or less in duration, two or more times engaged in conduct
 1-33 that constituted an offense under Section 25.07.

1-34 (c) A defendant may not be convicted in the same criminal
 1-35 action of another offense an element of which is any conduct that is
 1-36 alleged as an element of the offense under Subsection (a) unless the
 1-37 other offense:

1-38 (1) is charged in the alternative;

1-39 (2) occurred outside the period in which the offense
 1-40 alleged under Subsection (a) was committed; or

1-41 (3) is considered by the trier of fact to be a lesser
 1-42 included offense of the offense alleged under Subsection (a).

1-43 (d) A defendant may not be charged with more than one count
 1-44 under Subsection (a) if all of the specific conduct that is alleged
 1-45 to have been engaged in is alleged to have been committed in
 1-46 violation of a single court order or single setting of bond.

1-47 (e) An offense under this section is a felony of the third
 1-48 degree.

1-49 SECTION 2. Subsection (g), Section 25.07, Penal Code, is
 1-50 amended to read as follows:

1-51 (g) An offense under this section is a Class A misdemeanor,
 1-52 except the offense is a felony of the third degree if [unless] it is
 1-53 shown on the trial of the offense that the defendant:

1-54 (1) has previously been convicted two or more times of
 1-55 an offense under this section or two or more times of an offense
 1-56 under Section 25.072, or has previously been convicted of an
 1-57 offense under this section and an offense under Section 25.072;
 1-58 [two or more times] or

1-59 (2) has violated the order or condition of bond by
 1-60 committing an assault or the offense of stalking[, in which event

2-1 ~~the offense is a third degree felony].~~

2-2 SECTION 3. Article 5.07, Code of Criminal Procedure, is
2-3 amended to read as follows:

2-4 Art. 5.07. VENUE FOR PROTECTIVE ORDER OFFENSES. The venue
2-5 for an offense under Section 25.07 or 25.072, Penal Code, is in the
2-6 county in which the order was issued or, without regard to the
2-7 identity or location of the court that issued the protective order,
2-8 in the county in which the offense was committed.

2-9 SECTION 4. Subsection (c-1), Section 25.0172, Government
2-10 Code, is amended to read as follows:

2-11 (c-1) The County Court at Law No. 13 of Bexar County, Texas,
2-12 shall give preference to cases prosecuted under:

2-13 (1) Section 22.01, Penal Code, in which the victim is a
2-14 person whose relationship to or association with the defendant is
2-15 described by Chapter 71, Family Code; and

2-16 (2) Section 25.07 or 25.072, Penal Code.

2-17 SECTION 5. Subsection (1), Section 25.2223, Government
2-18 Code, is amended to read as follows:

2-19 (1) The County Criminal Court No. 5 of Tarrant County shall
2-20 give preference to cases brought under Title 5, Penal Code,
2-21 involving family violence as defined by Section 71.004, Family
2-22 Code, and cases brought under Sections 25.07, 25.072, and 42.072,
2-23 Penal Code.

2-24 SECTION 6. Subsection (e), Section 411.081, Government
2-25 Code, is amended to read as follows:

2-26 (e) A person is entitled to petition the court under
2-27 Subsection (d) only if during the period of the deferred
2-28 adjudication community supervision for which the order of
2-29 nondisclosure is requested and during the applicable period
2-30 described by Subsection (d)(1), (2), or (3), as appropriate, the
2-31 person is not convicted of or placed on deferred adjudication
2-32 community supervision under Section 5, Article 42.12, Code of
2-33 Criminal Procedure, for any offense other than an offense under the
2-34 Transportation Code punishable by fine only. A person is not
2-35 entitled to petition the court under Subsection (d) if the person
2-36 was placed on the deferred adjudication community supervision for
2-37 or has been previously convicted or placed on any other deferred
2-38 adjudication for:

2-39 (1) an offense requiring registration as a sex
2-40 offender under Chapter 62, Code of Criminal Procedure;

2-41 (2) an offense under Section 20.04, Penal Code,
2-42 regardless of whether the offense is a reportable conviction or
2-43 adjudication for purposes of Chapter 62, Code of Criminal
2-44 Procedure;

2-45 (3) an offense under Section 19.02, 19.03, 22.04,
2-46 22.041, 25.07, 25.072, or 42.072, Penal Code; or

2-47 (4) any other offense involving family violence, as
2-48 defined by Section 71.004, Family Code.

2-49 SECTION 7. Section 411.1711, Government Code, is amended to
2-50 read as follows:

2-51 Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A
2-52 person is not convicted, as that term is defined by Section 411.171,
2-53 if an order of deferred adjudication was entered against the person
2-54 on a date not less than 10 years preceding the date of the person's
2-55 application for a license under this subchapter unless the order of
2-56 deferred adjudication was entered against the person for:

2-57 (1) a felony offense under:

2-58 (A) Title 5, Penal Code;

2-59 (B) Chapter 29, Penal Code;

2-60 (C) Section 25.07 or 25.072, Penal Code; or

2-61 (D) Section 30.02, Penal Code, if the offense is
2-62 punishable under Subsection (c)(2) or (d) of that section; or

2-63 (2) an offense under the laws of another state if the
2-64 offense contains elements that are substantially similar to the
2-65 elements of an offense listed in Subdivision (1).

2-66 SECTION 8. Subsection (a), Section 301.4535, Occupations
2-67 Code, is amended to read as follows:

2-68 (a) The board shall suspend a nurse's license or refuse to
2-69 issue a license to an applicant on proof that the nurse or applicant

3-1 has been initially convicted of:

3-2 (1) murder under Section 19.02, Penal Code, capital

3-3 murder under Section 19.03, Penal Code, or manslaughter under

3-4 Section 19.04, Penal Code;

3-5 (2) kidnapping or unlawful restraint under Chapter 20,

3-6 Penal Code, and the offense was punished as a felony or state jail

3-7 felony;

3-8 (3) sexual assault under Section 22.011, Penal Code;

3-9 (4) aggravated sexual assault under Section 22.021,

3-10 Penal Code;

3-11 (5) continuous sexual abuse of young child or children

3-12 under Section 21.02, Penal Code, or indecency with a child under

3-13 Section 21.11, Penal Code;

3-14 (6) aggravated assault under Section 22.02, Penal

3-15 Code;

3-16 (7) intentionally, knowingly, or recklessly injuring

3-17 a child, elderly individual, or disabled individual under Section

3-18 22.04, Penal Code;

3-19 (8) intentionally, knowingly, or recklessly

3-20 abandoning or endangering a child under Section 22.041, Penal Code;

3-21 (9) aiding suicide under Section 22.08, Penal Code,

3-22 and the offense was punished as a state jail felony;

3-23 (10) an offense involving a violation of certain court

3-24 orders or conditions of bond under Section 25.07, 25.071, or

3-25 25.072, Penal Code, punished as a felony;

3-26 (11) [~~an offense under Section 25.071, Penal Code,~~

3-27 ~~punished as a felony;~~

3-28 [~~(12)~~] an agreement to abduct a child from custody

3-29 under Section 25.031, Penal Code;

3-30 (12) [~~(13)~~] the sale or purchase of a child under

3-31 Section 25.08, Penal Code;

3-32 (13) [~~(14)~~] robbery under Section 29.02, Penal Code;

3-33 (14) [~~(15)~~] aggravated robbery under Section 29.03,

3-34 Penal Code;

3-35 (15) [~~(16)~~] an offense for which a defendant is

3-36 required to register as a sex offender under Chapter 62, Code of

3-37 Criminal Procedure; or

3-38 (16) [~~(17)~~] an offense under the law of another state,

3-39 federal law, or the Uniform Code of Military Justice that contains

3-40 elements that are substantially similar to the elements of an

3-41 offense listed in this subsection.

3-42 SECTION 9. The change in law made by this Act applies only

3-43 to an offense committed on or after the effective date of this Act.

3-44 An offense committed before the effective date of this Act is

3-45 governed by the law in effect on the date the offense was committed,

3-46 and the former law is continued in effect for that purpose. For

3-47 purposes of this section, an offense was committed before the

3-48 effective date of this Act if any element of the offense occurred

3-49 before that date.

3-50 SECTION 10. This Act takes effect September 1, 2013.

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